

**DELEGATION OF AUTHORITY
THE COMPREHENSIVE ENVIRONMENTAL RESPONSE,
COMPENSATION, AND LIABILITY ACT (CERCLA)**

Small Business and Brownfields Liability Clarifications

1. AUTHORITY.

- a. [authority not redelegated]
- b. [authority not redelegated]
- c. To exercise authority pursuant to section 107(o)(2)(A) (regarding exceptions to the de micromis exemption) and section 107(p)(2) (regarding exceptions to the municipal solid waste exemption).
- d. To exercise authority pursuant to section 107(q)(3) (regarding issuance of no action assurances and grants of protection against a cost recovery or contribution action under section 113(f) to contiguous property owners).
- e. To exercise authority pursuant to section 107(r) (regarding agreements to obtain a lien on other property or to obtain other satisfactory assurance of payment for unrecovered response costs regarding the prospective purchaser exemption).
- f. To exercise authorities pursuant to sections 107(o)-(r) other than those specified in paragraphs 1.a. through 1.e.

2. TO WHOM REDELEGATED.

- a. The authority in 1.c., and 1.d. is redelegated through the Director, Office of Environmental Cleanup, or equivalent, to the manager, Remedial Cleanup Program, or equivalent.
- b. The authority in 1.e. and 1.f. is redelegated through the Director, Office of Environmental Cleanup, or equivalent:
 - i. Through the manager, Remedial Cleanup Program, or equivalent, to the managers, Site Cleanup Units, or equivalent.
 - ii. To the manager, Assessment and Brownfields Unit, or equivalent.

3. LIMITATIONS.

- a. The office director must exercise the authorities in paragraph 1.c. in consultation with the AA for OECA. The AA for OECA may waive, in whole or in part, any of these limitations by memorandum.
- b. The AA for OECA must notify the appropriate regional administrator or office director when exercising the authorities in paragraph 1.c.
- c. When either the AA for OECA or the regional administrator or office director exercises the authority in paragraph 1.c. regarding natural resource restoration, that official must consult with the federal natural resource trustee.
- d. The regional administrator or office director must obtain the concurrence of the AA for OECA prior to exercising the authority in paragraph 1.d. The AA for OECA may waive, in whole or in part, this limitation by memorandum.

- e. The regional administrator, office director, or program manager must exercise the authority in paragraph 1.e. in consultation with the AA for OECA. The AA for OECA may waive, in whole or in part, this limitation by memorandum.
- f. The clearance or approval of the form, text, and legal sufficiency of each legally operative document issued pursuant to this delegation must be obtained from the Office of Regional Counsel before signing and issuing such document.

4. REDELEGATION AUTHORITY.

- a. The authority in 1.c., and 1.d. may be redelegated to the program manager level in the office of Environmental Cleanup, and no further.
- b. The authority in 1.e. and 1.f. may be redelegated to the unit manager level in the office of Environmental Cleanup, and no further.
- c. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. SUPERSESSION. This delegation supersedes R10 14-14-I (04/20/2012), R10 14-14-I(1) (05/03/2012), and any other delegation of the same authority.

6. ADDITIONAL REFERENCES.

- a. Section 107 of CERCLA.
- b. Sections 102, 221 and 222 of the Small Business Liability Relief and Brownfields Revitalization Act.
- c. EPA Delegation 14-26, Federal Lien.
- d. EPA Delegation 14-42, Concurrence in the Exercise of Authority under CERCLA Sections 106(a) and 122 by the Secretaries of Interior, Commerce, Agriculture, Defense, and Energy.
- e. Executive Order 13308, June 20, 2003.
- f. EPA Delegation 14-14-I.

7/16/18
Date


Chris Hladick
Regional Administrator *for*